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Letter dated 27 May 1999 from the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

On behalf of the Government of Bosnia and Herzegovina, the Government of the Republic of Croatia, the Government of the former Yugoslav Republic of Macedonia and the Government of Slovenia, we should like to refer to the depositary notification concerning the declaration under article 36, paragraph 2, of the Statute of the International Court of Justice made by the Federal Republic of Yugoslavia (Serbia and Montenegro) on 25 April 1999. The depositary notification states that the Federal Republic of Yugoslavia (Serbia and Montenegro) lodged the notification, by which it recognized the jurisdiction *ipso facto* of the said Court in accordance with article 36, paragraph 2, of the Statute of the Court.

Our respective Governments would like to express our disagreement with the content of the above-quoted notification. The notification can have no legal effect whatsoever, because the Federal Republic of Yugoslavia (Serbia and Montenegro) is not a State Member of the United Nations, nor is it a State party to the Statute of the Court, that could make a valid declaration under article 36, paragraph 2, of the Statute of the Court. Consequently, there was no legal basis for the acceptance or circulation of the invalid document in question.

In this connection, we would once again like to draw your attention to Security Council resolution 777 (1992) and General Assembly resolution 47/1, both of which explicitly state that the State known as the Socialist Federal Republic of Yugoslavia had ceased to exist, that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations. Until the Federal Republic of Yugoslavia (Serbia and Montenegro) has complied with the requirements of those resolutions, it cannot be considered a State Member of the United Nations.

Since a new application for membership in the United Nations, pursuant to Article 4 of the Charter of the United Nations, has not been made by the Federal Republic of

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